

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP., Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.	 Misc. No. 17-151-LPS
OI EUROPEAN GROUP B.V., Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.	 Misc. No. 19-290-LPS
NORTHROP GRUMMAN SHIP SYSTEMS, INC., Plaintiff, v. THE MINISTRY OF DEFENSE OF THE REPUBLIC OF VENEZUELA, Defendant.	 Misc. No. 20-257-LPS
ACL1 INVESTMENTS LTD., ACL2 INVESTMENTS LTD., and LDO (CAYMAN) XVIII LTD., Plaintiff, v. BOLIVARIAN REPUBLIC OF VENEZUELA, Defendant.	 Misc. No. 21-46-LPS

RUSORO MINING LIMITED,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.


Misc. No. 21-481-LPS

MEMORANDUM ORDER

The Court received the following email, cover letter, and license from OFAC on May 1, 2023. The Court contacted the Special Master via email on May 3, 2023 regarding the documents received, and the Special Master recommended that the documents be made available to all the parties in the above-captioned cases and other interested creditors. All of the Court's communications with the Special Master are also included.

Accordingly, IT IS HEREBY ORDERED that the following attachments to this order, which include the materials received from OFAC and the exchange with the Special Master, be docketed.

May 4, 2023
Wilmington, Delaware



HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT

From: Robert Pincus [REDACTED]
Sent: Wednesday, May 3, 2023 2:43 PM
To: [REDACTED]
Cc: Leonard P. Stark
Subject: Re: Materials from OFAC

CAUTION--EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

Thank you, [REDACTED]. I think they are just the formal licenses described in their letter, but let me check with my OFAC counsel and get right back to you. Best, Bob Pincus

Sent from my iPhone

On May 3, 2023, at 2:23 PM, [REDACTED] wrote:

Good afternoon Mr. Pincus,

The Clerk's Office today advised us of its receipt of the following materials from OFAC. Judge Stark asked me to forward them to you to make sure you knew about them. He plans to docket them as well, but please let us know if you have any concerns.

All my best,
[REDACTED]

[REDACTED]
Law Clerk to the Honorable Leonard P. Stark
United States Court of Appeals for the Federal Circuit
717 Madison Place N.W., Washington, D.C. 20439
[REDACTED]

<mime-attachment>
<VENEZUELA-EO13884-2023-1057131-1_CoverLetter.pdf>
<VENEZUELA-EO13884-2023-1057131-1.pdf>

[REDACTED]
From: [REDACTED]
Sent: Wednesday, May 3, 2023 5:21 PM
To: Robert Pincus
Cc: Leonard P. Stark
Subject: Re: Materials from OFAC

Mr. Pincus,

Thank you so much for this helpful explanation! We will docket the documents tomorrow. I hope you have a great evening.

Best,
[REDACTED]

From: Robert Pincus [REDACTED]
Sent: Wednesday, May 3, 2023 5:05 PM
To: [REDACTED]
Cc: Leonard P. Stark [REDACTED]
Subject: Re: Materials from OFAC

CAUTION--EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

[REDACTED] — As explained to me by OFAC counsel, since this is a specific license, OFAC itself can't release it publicly, but the Court can and should docket them, as they clarify questions about the attachment process. Essentially, the license is intended to allow the Court to have full control over who is/isn't added as an Additional Judgment Creditor. Such Additional Judgment Creditors will be authorized to participate in the sale process under OFAC's non enforcement policy, up to the point of sale. At that point, an additional license will be required under OFAC's "favorable" licensing process.

If you or Judge Stark has any other questions with respect to these OFAC licenses or process, I am happy to arrange a meeting with [REDACTED], at Jenner & Block, at your convenience. Best, Bob Pincus

On May 3, 2023, at 2:23 PM, [REDACTED] wrote:

Good afternoon Mr. Pincus,

The Clerk's Office today advised us of its receipt of the following materials from OFAC. Judge Stark asked me to forward them to you to make sure you knew about them. He plans to docket them as well, but please let us know if you have any concerns.

All my best,
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Monday, May 1, 2023 11:24 AM
To: Randall Lohan (USC)
Cc: [REDACTED]
Subject: OFAC License related to Case No: 1:17-mc-00151-LPS (D. Del.)
Attachments: VENEZUELA-EO13884-2023-1057131-1_CoverLetter.pdf; VENEZUELA-EO13884-2023-1057131-1.pdf

CAUTION - EXTERNAL:

Chief Deputy Clerk Randall Lohan:

The Office of Foreign Assets Control (OFAC) has issued a license to the Clerk of the Court for the District of Delaware, related to the Order issued by the Court in Case No. 1:17-mc-00151-LPS (D. Del.) on March 23, 2023, authorizing the issuance and service of writs of attachment *feri facias* granted by the Court to judgment creditors against shares of PDV Holding, Inc., owned by Petróleos de Venezuela, S.A.. A cover letter and a copy of OFAC License VENEZUELA-EO13884-2023-1057131-1 are attached. We understand that the Clerk of the Court may be out of the office today so we are transmitting these documents to you and would appreciate a confirmation of receipt.

Please contact our office should you have any questions.

Sincerely,
Nikole A. Thomas
Assistant Director for Licensing
Office of Foreign Assets Control (OFAC)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Case No. VENEZUELA-EO13884-2023-1057131-1

Office of the Clerk
United States District Court, District of Delaware
844 North King St., Unit 18
Wilmington, DE 19801-3570
Attn: John A. Cerino

RE: Authorization from the Office of Foreign Assets Control to Issue and Serve Writs of Attachment to Judgment Creditors for shares of PDV Holding, Inc.

Dear Mr. Cerino:

The Office of Foreign Assets Control (OFAC) has issued a license to the Clerk of the Court for the District of Delaware, related to the Order issued by the Court on March 23, 2023, authorizing the issuance and service of writs of attachment *feri facias* granted by the Court to judgment creditors against shares of PDV Holding, Inc., owned by Petróleos de Venezuela, S.A. ("PdVSA").

Executive Order (E.O.) 13850 of November 1, 2018, "Blocking Property of Additional Persons Contributing to the Situation in Venezuela," as amended by E.O. 13857 ("E.O. 13850"), generally prohibits transactions and dealings in property and interests in property of individuals and entities designated pursuant to E.O. 13850. On January 28, 2019, OFAC designated PdVSA pursuant to E.O. 13850. Furthermore, on August 5, 2019, the President signed Executive Order 13884 blocking all property and interests in property of the Government of Venezuela, including entities owned or controlled by the foregoing, such as PdVSA. As a result, U.S. persons are generally prohibited from engaging in any transactions with PdVSA or dealing in any property in which PdVSA has an interest, unless separately authorized by OFAC. These prohibitions also apply to any entities that are 50 percent or more owned by PdVSA, such as PDV Holding, Inc.

Please find enclosed **LICENSE No. VENEZUELA-EO13884-2023-1057131-1**, authorizing the issuance and service of a writ of attachment *feri facias* for any party named an "Additional Judgment Creditor" by the Court pursuant to the Sale Procedures Order related to *Crystallex Int'l Corp.*, Case No. 1:17-mc-00151-LPS (D. Del.). In light of notice considerations, the License includes a condition that a copy of the License must be shared with any "Additional Judgment Creditor" named by the Court pursuant to the Sale Procedures Order. As noted within the License, additional authorization is required in order to execute any sale or transfer of blocked property.

Should you have any questions about this license, you may call our office at 202-622-2480.

Sincerely,

Nikole A.
Thomas

Digitally signed by Nikole
A. Thomas
Date: 2023.05.01 10:33:00
-04'00'

Nikole A. Thomas
Assistant Director for Licensing
Office of Foreign Assets Control



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

LICENSE No. VENEZUELA-EO13884-2023-1057131-1

VENEZUELA SANCTIONS REGULATIONS

LICENSE

Issued under the authority of one or more of 50 U.S.C. §§ 1601-51, 1701-06, Pub. L. 113-278, Executive Orders 13692, 13808, 13827, 13835, 13850, 13857, and 13884, and 31 C.F.R. Parts 501 and 591.

To: Office of the Clerk
United States District Court, District of Delaware
844 North King St., Unit 18
Wilmington, DE 19801-3570
Attn: John A. Cerino

1. Based upon information available to the Office of Foreign Assets Control, the transactions described herein are hereby authorized.
2. This License is subject to the condition, among others, that the Licensees comply with its terms and with all regulations, rulings, orders, and instructions issued under any of the authorities cited above.
3. This License **expires on May 31, 2025**, and is not transferable. The transactions described in this License are subject to the authorities cited above and any regulations and rulings issued pursuant thereto. This License may be revoked or modified at any time. If this License was issued as a result of willful misrepresentation it may be declared void from the date of its issuance or from any other date.
4. This License does not authorize transactions prohibited by any law or regulation administered by the Office of Foreign Assets Control other than those listed above.
5. This License does not excuse the Licensees from the need to comply with any law or regulation (including reporting requirements) administered by any other agency or the need to obtain any required authorization(s) from any other agency.

Issued on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

Nikole A.
By Thomas
Nikole A. Thomas
Assistant Director for Licensing

Digitally signed by Nikole A. Thomas
Date: 2023.05.01 10:32:31 -04'00'

SECTION I – AUTHORIZATION: Subject to the limitations stated herein and to the extent authorization is required, the Clerk of the Court (the “Clerk”) for the United States District Court, District of Delaware (the “Court”), agents and/or contractors of the Court, and Additional Judgment Creditors named by the Court (collectively, the “Licensees”), are hereby authorized to engage in transactions and activities ordinarily incident and necessary to the issuance and service of a writ of attachment *fiери facias* for any party named an “Additional Judgment Creditor” by the Court pursuant to the Sale Procedures Order related to *Crystallex Int’l Corp.*, Case No. 1:17-mc-00151-LPS (D. Del.).

SECTION II – CONDITION: (a) A separate license is required in order for any party to execute any writ that has been issued pursuant to the authorization found in **SECTION I**.

(b) The Clerk must provide a copy of this License to any party named as an “Additional Judgment Creditor” by the Court as outlined in **SECTION I** of the License.

SECTION III – WARNINGS: (a) This License does not authorize the transfer of any blocked property, the debiting of any blocked account, or the execution of any judgment against property which is blocked pursuant to any Executive order, statute, or Chapter V of Title 31 of the C.F.R.

(b) Except to the extent authorized in **SECTION I**, this License does not authorize the entry of any judgment or order that effects a transfer of property which is blocked pursuant to any Executive order, statute, or Chapter V of Title 31 of the C.F.R.

(c) This License does not authorize the provision of funds or other property, directly or indirectly, to any entity or individual whose property or interests in property are blocked pursuant to an Executive Order, statute, or Chapter V of Title 31 of the C.F.R.

SECTION IV – RECORDKEEPING & REPORTING REQUIREMENTS: The Licensees are subject to the recordkeeping and reporting requirements of, *inter alia*, 31 C.F.R. §§ 501.601 and 501.602, including the requirement to maintain full and accurate records concerning the transactions undertaken pursuant to this License for a period of five years from the date of each transaction.

SECTION V – PRECEDENTIAL EFFECT: The authorization contained in this License is limited to the facts and circumstances described therein.
